Previous references:
CS-173-136-4/8

1914 15
(Courts)

File No. 75-14
Serial Nos. 1-2

Later references:

Master
preserved
AM
18/6/14

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2

Part B. for Nov. 14

SUBJECT.

Resurrender of Pilchya and Thimma convicts of the Bangalore Central Jail.

From The F.A. Resd 7338 of 12/10/14
Forwards copy of letter from the Govt of Bombay requesting that the accused will not be resurrendered, till the expiry in full of the Br sentence
To The F. A. Resident
Pol 511 of 30/11/14
States that the detention of such convicts in Br India after the conclusion of

G. R. S. 58

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their trial for which they are surrendered is in violation of the arrangement settled by correspondence ending with Mr Moss King's letter No. 2296 of 4.4.06 & adds that the Durbar has no objection to the detention of the said Convicts provided in future such surrender is effected as a matter of course at the conclusion of the trial for which they may be surrendered.

G.R.S. 11] 1914-15 1195.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 75 of 1914

FILE HEADING.

Surrender of Pitchya and Thimma, convicts of the Bangalore Central Jail

From

The H. A. Resident

No. 7338 Dated 12. 10. 1914 Received 13. 10. 1914

Diary No.	Enclos.	Spare Copies.	Serial No.
T1195			

BRIEF ABSTRACT OF LETTER.

Forwards a copy of the letter from the Govt of Bombay, Political Dept, explaining the circumstances in which the convicts cannot be surrendered to this State immediately on the conclusion of their trial in Br. India (Kanara District) and requesting that they may be allowed to be detained there till the expiry in full of the Br. Sentence

NOTES AND ORDERS.

Papers under disposal

The suggestion now made by the Govt of Bombay on which the Residency have invited the views of the Durbar, is not in conformity with the terms agreed upon in the matter of the surrender of convicts, undergoing imprisonment in Mysore Jail, to Br.

P.T.O.

NOTES—First Sheet.

GPB—30,000—12-8-11

Serial No.

India. This arrangement, which has the approval of the Govt of India, requires that ~~the~~ such convicts should be surrendered to Mysore immediately on the conclusion of their trial in Br. India. Please see paragraph 4 of Bombay's letter no 285 dated 15.10.05 & paras 2 & 4 of Res.cy letter dated 11.4.1906 in Legis: 14 of 1904.

Flag M

2) Accordingly, the Resident, had addressed the D.M. of Kanara for the surrender of the convicts in question on the conclusion of their trial but they were not so surrendered. The reason now put forward is that on account of the monsoon both land and sea communications had practically been closed between Kanara and Mysore.

CF CS-173-13-3

3) If the present suggestion of the Govt of Bombay for the convicts being detained there till the expiry of the Br. sentence be acted upon, it may create an inconvenient precedent, as cases of extradition from Mysore to Kanara are not rare and monsoon may often set in by the time the trial of such extradited convicts concludes.

Vide para 10 of paper under disposal

4) The term of sentence passed in Br. India expires on or about the 28th Feb 1915 in the case of one of the convicts & on the 28th Feb 1916 in the case of the other.

N.I.O.

NOTE—Contn. sheet.

GPB—93,000—15-9-14

1195

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G. R. S. 12]

General and Revenue Secretariat. | Cs File No. 75 of 1914-15

Serial No.

in the case of the other. Each of them has yet to undergo a little more than 5 years of the Mopla sentence.

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2 Encl 4
Cs 173-13-1

Sub to orders.

Kg. 116

5) 15/10/1914 MM. The article British Government in this case in not surrendering the prisoner State immediately on their completing their trial in British India is a violation of the recognised principle so clearly enunciated in 7 ile of yesterday's ~~Not considering that~~ the explanation appears that they did not surrender immediately the prisoner as in question ~~trying~~ their trial under S 895-396 was under consideration. Meanwhile the prisoner were sent away to Karwar prison.

6) If approved, the explanation may be taken, and the reply may distinctly state that in future such surrenders may shall be made as a matter of course so that there may be no violation of the principle which has been so uniformly recognised.

7) I regret that by some oversight this file was not disposed earlier.

Kg
22/11

First Member 8) I agree
9) Let me see draft please

23/11/14 Jun 24/11

NOTE—Contn. sheet.

GPB—03,000—15-9-14

G. R. S. 12]

1495

4

General and Revenue Secretariat.

A File No. 75 of 1914-15

Serial No.	
	10 Please put up draft.
	Draft subd. Reg. 26 25/11/14
	25/11/14 Reg 26/11
11	First Member)
	draft approved by 1st member. MR. 27.11.14. Date 28/11
	12 Letter as marking
2.	To Lieut. T. A. Rendell. Pol 511. dt 30-11-14. States that the detention of such convicts in Br India after the conclusion of their trial for which they were surrendered is in violation of the arrangement settled by correspondence ending with the Foss King's letter no 2296 dt 11-4-06 & adds that the Durbar has no objection to the detention of the said convicts provided in future such surrender is effected as a matter of course at the conclusion of the trial for which they may be surrendered.

NOTE—Contn. sheet.

GPB—93,000—15-9-14

1

Letter No. 5750, dated the 5th October 1914, from the Government of Bombay, Political Department, to the Hon'ble the Resident in Mysore.

I am directed to refer to letter No. 386, dated the 17th January 1914, from your First Assistant to the address of the District Magistrate, Kanara, on the subject of the re-surrender to the Mysore State of the prisoners Thima bin Muniya and Pichga alias Bodiga bin Muniya, whose surrender was obtained from that State for trial under section 395 of the Indian Penal Code for certain dacoities committed in the Kanara District in 1902, and under section 224 of the Code, for having escaped from lawful custody and to inform you that the accused have been convicted of the charge under section 224 by the First Class Magistrate, Sirsi and sentenced to rigorous imprisonment for one year and two years respectively on the 28th February 1914. The charge under section 395 was withdrawn for want of evidence. I am to observe that the accused could not be resurrendered to the State immediately on the close of their trial for the offence under section 224, as the question of their trial under sections 395 and 396 of the Indian Penal Code was still under consideration. They were, in the meanwhile, sent to the Karwar District Prison to undergo the sentence awarded to them by the First Class Magistrate, Sirsi.

2. Iam to observe that the resurrender of the prisoners to the Mysore State during the monsoon could not be made as both ~~the~~ land and sea communications between Karwar and Mysore territory were practically closed. Their resurrender now would cause unnecessary expense and inconvenience to both the Government of Bombay and the Mysore State, as this course would entail the resurrender of the prisoners to the British Government at an early date to undergo the sentence awarded

awarded to them in
British India. I am, therefore, to request that you will --
suggest to the Mysore Durbar the advisability of agreeing to
the prisoners being detained in the Karwar Prison till the
expiration of the periods of the British sentences and their
being then removed and resurrendered ó the Mysore Authorities.

Pol No 735 / 12.10.14

DIARY No. 96

1914-10 15
SECTION C5
FILE No. 75 of 1914
SERIAL No. 1

No. 1338. Mysore Resident's office,

Bangalore, 24 October 1914.

A copy of the foregoing letter is forwarded herewith to the Government of His Highness the Maharaja of Mysore for information, with reference to Mr. Srinivasiengar's letter No. 529 Pol., dated the 15th January 1914, and with a request that the Resident may kindly be informed of the views of the Durbar in the matter.

First Assistant Resident.

Re detention of two cooles in Br: custody after their trial has been concluded

V

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30/11 ab

ct File No. 75 of 1914

Serial No. 2

Diary No. of letter replied to

Pol No. 571.

General and Revenue Secretariat

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To

The H. A. Resident

Date of issue 30.11.14.

Signed by Sd/- D. R. Narasinga Rao

Sir,

I am directed to acknowledge the receipt of your endorsement No. 7338 dated the 12th Oct 1914 forwarding copy of a letter from the Govt of Bombay, Political Department, explaining the circumstances under which Thimma bin Muniya and Pitchya bin Muniya, surrendered by the Dumbar for trial before the 1st Class Magistrate of Sirsi, cond

P. T. over.

SUBJECT.

not be surrendered immediately on the conclusion of their trial in Br. India and inviting the views of the Durbar on the suggestion made by the Govt of Bombay regarding the detention of the said prisoners in the Ratnagiri prison till the expiry of the period of sentence passed on them in Br. India.

In reply I am to state that the detention of such convicts ~~the prisoners~~ in Br. India after the conclusion of their trial for which they were surrendered is in violation of the arrangement settled by correspondence ending with Mr Moss Kirby's letter No. 2296, dated the 11th April 1908. But the Durbar, however, have no objection to the detention of the two prisoners referred to above till the expiration of the sentence they are now undergoing, provided that, in future, such surrender is effected as a matter of course ~~immediately~~ on the conclusion

List of enclosures

Copied by

Examined by

GPB—25,000—4-3-13

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

of the trial from which they may be surrendered.

I have to

28/11 for C/S: Secy to Govt

27/11/14 Regs. 116

25/11/14